

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRITTANY WILEY, individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

ALTICE USA, INC.,

Defendant.

20-CV-1297 (JMF)

EDWARD HELLYER, individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

ALTICE USA, INC.,

Defendant.

20-CV-1410 (JMF)

ORDER CONSOLIDATING CASES

JESSE M. FURMAN, United States District Judge:

On April 3, 2020, the Court held a telephonic hearing with the parties to address consolidation of the above captioned cases. *See* 20-CV-1297, ECF No. 23; 20-CV-1410, ECF No. 21. At the April 3, 2020 hearing, the Parties informed the Court that they had reached an agreement as to consolidation. The Court adopts the Parties agreement.

Accordingly, it is ORDERED:

1. The following Related Actions are consolidated for all pre-trial proceedings (the “Consolidated Action”):

<u>Abbreviated Case Name</u>	<u>Case No.</u>	<u>Date Filed</u>
<i>Wiley v. Altice USA, Inc.</i>	20-CV-1297	Feb. 13, 2020
<i>Hellyer v. Altice USA, Inc.</i>	20-CV-1410	Feb. 18, 2020

2. The Related Actions shall be consolidated under the lead docket, No. 20-CV-1297. Any new filings shall be made on the lead docket. Any dates and deadlines from No. 20-CV-1410 shall continue to apply in the lead docket.

3. In the event that a case that arises out of the same subject matter of the Consolidated Action is hereafter filed in this Court or transferred from another court (“a newly filed case”), defense counsel shall promptly serve a copy of this Order on the attorneys for the plaintiff(s) in the newly filed case and one or more of the parties shall promptly notify the Court so it may determine if the newly filed case should be consolidated in the Consolidated Action.

4. If the Court consolidates a newly filed case with the Consolidated Action, this Order shall apply thereto. Any objection to such consolidation must be filed within ten (10) days after the date upon which the Court orders consolidation by filing a letter motion in accordance with the Court’s Individual Rules and Practices; any response to such a letter motion shall be filed within three business days. Nothing in the foregoing shall be construed as a waiver of the Defendant’s right to object to consolidation of any subsequently filed or transferred action.

5. Pursuant to Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure, service by e-mail transmission shall be permitted in addition to service via ECF notification.

6. Plaintiffs shall have 30 days from April 3, 2020, to file a consolidated class action complaint in the Consolidated Action, which shall be due Monday, May 4, 2020. Plaintiff Wiley and any factual allegations associated with her individual circumstances shall be dismissed from the action, and additional named plaintiffs shall be added who plaintiffs believe did not sign an arbitration agreement with Defendant.

7. Defendant shall have 40 days following the filing of the consolidated class action complaint to answer or file any Rule 12 motion, which shall be due on Monday, June 15, 2020.

8. If Defendant files a Rule 12 motion, Plaintiffs shall have 40 days from such filing to respond, with such brief due on Monday, July 27, 2020.

9. Defendant shall have 15 days within which to reply to Plaintiffs’ opposition, which shall be due on Monday, August 10, 2020.

10. According to Rule 23(g)(3) of the Federal Rules of Civil Procedure, the Court appoints William B. Federman of Federman & Sherwood as interim lead counsel for the putative class in the Consolidated Action.

The Clerk of Court is directed to consolidate 20-CV-1297 and 20-CV-1410 under the lead docket, 20-CV-1297, and to close 20-CV-1410.

SO ORDERED.

Dated: April 8, 2020  
New York, New York

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', is written over a horizontal line.

JESSE M. FURMAN  
United States District Judge